

[ 9, 11, 14, 17, 21, 23, 28, 43 ]

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

DAVID L. TILBURY AND ANN E.  
TILBURY,

Plaintiffs,

v.

AAMES HOME LOAN, ET AL,  
Defendants.

Civil Action No. 05-2033 (FLW)

**ORDER**

**WOLFSON, United States District Judge**

This matter having been opened to the Court by the filing of motions to dismiss Plaintiffs' complaint pursuant to Fed. R. Civ. P. 12(b)(6) and to have the Court enjoin Plaintiffs from access to the federal court system in this District without prior leave of Court by Mark Rinaldi, attorney for Defendants First American Title Insurance Company, Gary L. Kermott, and Nancy Newman-Brown; Howard Drucks, attorney for Defendant George M. Conway, III; Jennifer Gifford, attorney for Defendant Stephen McNally; Stephanie Merk, attorney for Defendants Jonathan Preziosi and Melissa Chuderewicz; Mark Lybeck, attorney for Defendants Cenlar F.S.B., Michael Young, Kimberly Ann Glosso Hagen, Kelly Lutz, Nancy Irwin, Terry Kane, Kristin Shellenberger, Rosemary Leonardis; and Timothy O'Brien, attorney for Aames Home Loan and Harold G. Belkowitz; Plaintiffs Ann and David Tilbury, pro se, (the "Tilburys") having filed opposition thereto; the Court having reviewed the papers pursuant to Fed. R. Civ. P. 78; good cause having been shown;

IT IS on this 9<sup>th</sup> day of December, 2005,

**ORDERED** that Defendants' motions to dismiss are **GRANTED**; and it is further

**ORDERED** that all of Plaintiffs' claims against all Defendants are **DISMISSED**; and it is further

**ORDERED** that Ann and David Tilbury, while proceeding pro se, shall not file or assist in filing any further actions within the United States the District Court for the District of New Jersey without providing due notice to this Court; and it is further

**ORDERED** that to protect the integrity of the courts, Defendants, and any potential Defendants from the harassment of further frivolous litigation initiated by Ann and David Tilbury, the Court issues the following injunctions:

(a) The Court enjoins the Tilburys, unless they are represented by a licensed attorney admitted to practice in this court, from filing any action within the United States the District Court for the District of New Jersey against the Defendants named in the instant action, or any employee, agent, or attorney thereof, without first obtaining leave of this Court;

(b) The Court enjoins Tilburys, unless they are represented by a licensed attorney admitted to practice in this court, from filing any new action or proceeding in any federal court against these defendants or any employee, agent, or attorney thereof, without first obtaining leave of this Court; and

(c) The Court enjoins Tilburys, unless they are represented by a licensed attorney admitted to practice in this court, from filing any further papers in any pending or terminated case against these defendants or any employee, agent, or attorney thereof, in the District of New Jersey, without first obtaining leave of this Court; and it is further

**ORDERED** that the Clerk of Court shall refuse to accept any submissions for filing against these defendants or any employee, agent, or attorney thereof from Ann and David Tilbury

while they are proceeding pro se except petitions for leave of court, unless such submissions for filing are accompanied by an order of this Court granting leave. In the event that the Tilburys succeed in filing papers in violation of this Order, upon such notice, the Clerk of Court shall, under authority of this Court's Order, immediately and summarily strike the pleadings or filings; and it is further

**ORDERED** that leave of court shall be forthcoming upon the Tilburys demonstrating, through a properly filed petition, that the proposed filing:

- (a) can survive a challenge under Federal Rule of Civil Procedure 12;
- (b) is not barred by principles of claim or issue preclusion;
- (c) is not repetitive or violative of a court order; and
- (d) is in compliance with Federal Rule of Civil Procedure 11. And it is further

**ORDERED** that Ann and David Tilbury shall attach a copy of this Order and Injunction to any such petition for leave of court; and it is further

**ORDERED** that the Clerk of this Court shall file and enter into the docket this Order and Injunction and provide a copy of same to all parties in each case against whom Ann and David Tilbury have actions pending in the District of New Jersey; and it is further

**ORDERED** that the Clerk of this Court shall mark this case **CLOSED**.

S/ Freda L. Wolfson  
Freda L. Wolfson, U.S.D.J.